

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-359-T - ORDER NO. 2000-849

OCTOBER 18, 2000

IN RE: Application of Everett S. Plowden DBA)
Legends Moving, 823 Footy Drive, Myrtle)
Beach, SC 29575, for a Class E Certificate of)
Public Convenience and Necessity.)

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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Everett S. Plowden DBA Legends Moving, 823 Footy Drive, Myrtle Beach, SC 29575 (Plowden or Legends) for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Horry, Georgetown and
Marion Counties, South Carolina.

The Commission's Executive Director instructed Plowden to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Protests or Petitions to Intervene were filed.

A hearing on the Application was held on October 12, 2000 at 2:30 PM in the offices of the Commission, with the Honorable William Saunders, Chairman, presiding. Everett S. Plowden was present for Legends. The Commission Staff was represented by F. David Butler, General Counsel.

Everett S. Plowden testified on behalf of his Application for authority. Plowden testified that he has worked for another mover for 11 years, and that he wants to move household goods for hire under his own authority. The Applicant possesses a Commercial Drivers License (CDL). Plowden notes that he owns a 1986 Ford F700 truck, and he has no judgments against him. Plowden has received insurance quotes for this truck. Plowden states that he will hire various people to help him move the goods that he moves. Plowden pledges that he will obey and comply with all Commission regulations.

With regard to the public convenience and necessity, Plowden testified that he has received a number of calls from persons wanting household goods moved, but he has not been able to accommodate them. Plowden also testified as to the general growth seen in the areas for which he has applied for certification.

We would note that no shipper witnesses were necessary in this case, due to the fact that the Applicant only wished to serve points and places in the three contiguous counties of Horry, Georgetown and Marion. We therefore continue to waive that portion of Regulation 103-133(1) as to the shipper witness requirement.

S.C. Code Ann. Section 58-23-590(C)(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant Legends has demonstrated that it is fit, willing, and able to perform the services sought by the Application. The testimony of Mr. Plowden reveals that Legends is fit, willing, and able under the standards contained in Regulation 103-133. Further, Mr. Plowden has shown that the public convenience and necessity requires the service proposed by him.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application, and, therefore, the requested authority to Everett S. Plowden DBA Legends Moving. We grant Legends a Class E Certificate of Public Convenience and Necessity for the movement of household goods between points and places in Horry, Georgetown and Marion Counties. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The application of Everett N. Plowden DBA Legends Moving for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Horry, Georgetown and Marion Counties, South Carolina.

2. The Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 103-100 through R. 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A

(1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

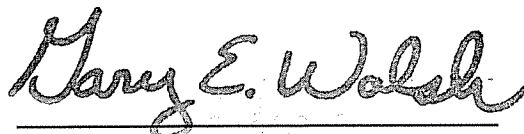
4. Prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)